

28 FEB 1979

MEMORANDUM FOR: Chief, Support Division, OMS

FROM : [REDACTED]  
Chief, Position Management & Compensation Division

SUBJECT : Proposed Adjustment of Work Schedules for OMS  
Employees Nonexempt from the Overtime Provisions  
of the Fair Labor Standard Act

1. Per your request, this memorandum confirms our verbal response to your inquiry on 16 February 1979, concerning the authority of the Director of Medical Services to adjust the work schedules of OMS non-exempt employees during periods in which they are required to perform security checks on an afterhours basis, thereby reducing the time lag between the end of their official workday and the beginning of their security responsibility.

2. To reiterate, [REDACTED] (Hours of Work, Leave and Pay) authorizes Operating Officials and Heads of Independent Offices to "establish work schedules for individuals of which differ from the basic workweeks of their components as necessary to carry out the missions of those components". This is interpreted as including positive action to accomplish their mission objectives in the most efficient and economical manner.

3. Furthermore, our review of the Fair Labor and Standards Act, as amended, (FLSA) and consultation with the FLSA Compliance Officer of the Office of Personnel Management revealed that the adjustment of work schedules for nonexempt Federal employees in the interest of reducing overtime costs is management's prerogative, and that such action does not violate the intent of the law.

4. It is understood that the employees in question would be entitled to overtime compensation for all hours actually worked in excess of 40 per week, and that the eight hour nonovertime workday for such employees would be established between 6:00 a.m. and 6:00 p.m.

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OP/PMCD/PSB [REDACTED] 27 Feb 79